

THE FAYETTE COUNTY PLANNING COMMISSION met on August 4, 2016 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

MEMBERS PRESENT: Jim Graw, Chairman
Al Gilbert
Brian Haren
John H. Culbreth Sr.

MEMBERS ABSENT: Arnold L. Martin, III, Vice-Chairman

STAFF PRESENT: Pete Frisina, Director of Community Services
Dennis Dutton, Zoning Administrator
Chanelle Blaine, Planning and Zoning Coordinator

Welcome and Call to Order:

Chairman Jim Graw called the Planning Commission Meeting to order. Chairman Graw introduced the Commission Members and Staff.

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1. Consideration of the Minutes of the Meeting held on July 21, 2016.

Al Gilbert made a motion to approve the minutes. Motion seconded by John Culbreth. The motion to approve the minutes was 4-0. Arnold Martin was absent from the meeting.

2. Consideration of Petition No. 1258-16. Sara M. Ellis Estate, Owner and Becky Crawford, BHHS Georgia Properties, Agent request to rezone 5.89 acres from A-R to C-H to develop a Plasma Donation Center. This property is located in Land Lots 168 and 185 of the 5th District and fronts SR 85 North. *The applicant has requested to withdraw the rezoning petition.*

Chairman Graw stated that they tabled this petition at the last meeting. He said the owner would like to withdraw, because they are going to request annexation into the City of Fayetteville. He asked if there were any comments.

Al Gilbert made a motion to approve the withdrawal of the rezoning petition. Motion seconded by Brian Haren. The motion to approve the withdrawal of the rezoning petition was 4-0. Arnold Martin was absent from the meeting.

3. Discussion of Tourist Accommodations.

Pete Frisina stated that he had a person call him that was interested in buying a home in the Woolsey area to live in and operate a bed and breakfast. He said that the County Code was put into place in 2014 and not a part of the zoning ordinance; the part of the ordinance that deals

with businesses and tourist accommodations. He added that this is not under the Planning Commission. He stated that this was put in to place to deal with a situation that they were having in the County of somebody using a single family residence as an "Airbnb"; someone could go on the internet and say they were going to be there for a weekend or a week. He said they had nothing to address it in their County Codes, and that is what this was doing. He added that what was going on was creating a huge problem in the neighborhoods because of how they were doing it, they weren't so much renting it to someone that wanted to stay there for a week; someone would rent it for a weekend and have 50 people there turning it into a frat house. He stated that is why the County put this in place he added that the County saw that they were not prepared for these Airbnb and VRBO kind of arrangements. He said that this is all predicated on rental for less than 30 days; short-term rental the caveat is if you're renting for less than 30 days it fall under this code. He added that what this code does is annually have you come in and renew that permit and have the home inspected; environmental health has to go out and take a look at it, fire marshal takes a look at it, and this becomes something more than just a single family residence. He said that this relates back to the State definitions for public health state and state hotel and motel taxing; so if someone opens one of the establishments in the County it refers them back to the hotel motel taxes. He added that the one (1) that we have that was causing all of these problems has dissipated, and no one has come back in to do this. He stated that they have a definition for a bed and breakfast and a definition for a hotel. He said that this is not tied to zoning per say; the intent was they assumed this was going to be done in residential structures. He added in the zoning regulations when you look up bed and breakfast it says see hotel; and hotel means a building in which overnight accommodations are provided to the public and the innkeeper. The term "hotel" includes the term "motel" and "bed and breakfast". He stated that it is allowed in the C-H as a permitted use and O-I as a conditional use, and the conditions are you have to meet the O-I. He said that the first issue is the conflict between the Zoning Ordinance and the County Code. He added the second issue was that she wanted to also have weddings at the bed and breakfast.

John Culbreth stated that's a special event facility.

Pete Frisina read number 10 under the A-R wedding/event facility:

10. Tourist accommodations shall not be allowed in conjunction with an A-R wedding and event facility.

Pete Frisina stated that when he wrote this up and put that in there this was fresh in his mind in dealing with this issue that we are dealing with. He said that they are trying to limit the hours of these things when they operate, and how can you control it when someone says we're no longer at the wedding we're in the house. He added that if we want to go down this road of allowing tourist accommodations in conjunction with A-R Wedding/Event Facility, we need to have some way to really control it and I don't really know if I have a good feel on how to do that. He stated that he doesn't feel comfortable opening up wedding/event facility to this right now. He said that he doesn't have a problem with a bed and breakfast setting in a residential area and figure out if that is something that they want to do, because this implies that.

Chairman Graw stated that the bed and breakfasts are allowed in the O-I and C-H districts. He

said that the lady wants to open up a bed and breakfast in the Woolsey area in a residential district.

Al Gilbert stated that it's an A-R district.

Chairman Graw stated that she wants to open up her bed and breakfast in Woolsey with a wedding facility attached to it, so, she wants to make it a commercial establishment.

Pete Frisina stated that a bed and breakfast under the zoning ordinance is allowed in C-H and O-I. He said under this code the attempt was that it would be in a residential area. First issue is to look at the bed and breakfast by itself and second is whether we can use the term tourist accommodations to facilitate that with the A-R Wedding/Event Facility.

Brian Haren asked if we expand the zoning categories where you can have bed and breakfast how far do we take it; is it just A-R.

Pete Frisina replied that's what we have to figure out.

Brian Haren said that it implies that you need parking; most people don't just put up a house and say that it is a bed and breakfast. He stated that there is something that draws them to that location.

Pete Frisina stated that her thing is she believes she can get clientele from the movie industry. He said that he didn't remember what kind of business she was in.

Chairman Graw stated that he doesn't feel comfortable allowing a commercial entity in a residential area. He said that they didn't intend for a bed and breakfast to be attached to a wedding/event facility.

John Culbreth agreed he does not feel comfortable making a bed and breakfast a commercial hotel type of facility. He said that we need to put some more teeth into what a bed and breakfast is and put some limitations on it.

Brian Haren stated that most of the venues he took a look at when his daughter was getting ready to get married had some sort of onsite accommodations. He said the reason being is because the bride's party likes to arrive the day before, so they don't have to worry about getting everything ready for those rooms and schlepping everything to the wedding. He added that he could understand from a business perspective the attraction of adding lodging. He stated that this will only be five (5) rooms not a Hampton Inn next to a farm wedding venue. He said that he doesn't have a problem with it conceptually; there is an enhancement for the owner of the venue but it's also something that bridal parties are actively looking for at these kinds of event locations.

John Culbreth agreed and stated that he attended a wedding where the bridal party stayed overnight and the facility was on 20 plus acres. He stated that you need to define the amount of

land it requires for you to have that.

Brian Haren agreed and stated that if we do this it needs to stay in A-R. He said that is the kind of facility that you would want a minimum five (5) acre lot.

John Culbreth said that we must define the acreage.

Al Gilbert said that we did recreational farming base on acreage and doesn't see why we can't do this based on acreage.

Pete Frisina replied that we already limited it to 15 acres to do A-R Wedding/Event Facility. He stated that he is not sure on how much property she owned. He said if we are going to do it, we need to be very careful on how we do it. He added that the issue we have is that this definition and this definition is not the same.

Chairman Graw asked if a bed and breakfast was a commercial entity.

Pete Frisina replied per the zoning it is and its definition says hotel.

Chairman Graw stated that it is a commercial entity. He said that if you add a bed and breakfast to this, then you would be permitting a commercial entity in an A-R zoning.

Al Gilbert stated that we already do that with weddings.

Brian Haren agreed and says it's commercial.

Pete Frisina stated that the first issue is how we deal with bed and breakfast alone. He said that it seems like we are in a consensus that the bed and breakfast is an A-R type use, big acreage doesn't want it to end up in someone's one (1) acre subdivision. He asked if we would want it to end up in an A-R subdivision. He said that this was limited to the provision where you can't use an internal local street, which then pulls it out of the subdivision. He added that we should create a conditional use in A-R for bed and breakfast alone; it will have nothing to do with wedding/event facilities. He stated that we will have to marry the bed and breakfast and tourist accommodation in some form or fashion in A-R. He said the next thing will be how we accommodate that in this, because not all tourist accommodations are bed and breakfast. He added that we need to figure out what type of tourist accommodations do we want here and how do we want to limit it, because the hotel is not limited under this. He read another term called vacation house:

Vacation home shall mean any residential structure used for transient occupancy not limited to cabins, single-family dwellings, or other such residential structures as permitted. Occupancy or use by a paying guest or tenant must be for a period of less than 30 consecutive days.

Al Gilbert stated a good example of that is when people rent out their houses for the whole week of the Masters Golf Tournament.

Pete Frisina read the code Tourist Accommodations section (c):

A bed and breakfast inn shall be permitted subject to the following:

- (1) No food preparation, except beverages, is permitted within individual guest rooms.
- (2) Meal service may be provided to registered guests and not open to the public.
- (3) The operator of the bed and breakfast inn shall be a full-time resident of the structure in which the bed and breakfast inn is housed.
- (4) The bed and breakfast inn shall be permitted to rent no more than five guest rooms.

Brian Haren stated that if they wanted to serve to other than registered guest it becomes a restaurant.

Pete Frisina stated that bed and breakfast without A-R wedding/event facility we will look at conditional use in A-R, and will be a permitted use in commercial and a conditional use in O-I. He said the next issue is how we deal with A-R wedding/event facility and tourist accommodations. He then asked if he had an A-R wedding/event facility is there anything that says he has to live there.

Brian Haren replied no.

Pete Frisina asked if he wanted a bed and breakfast does he have to live there.

Brian Haren replied yes.

Pete Frisina asked Brian about the bed and breakfasts he stayed/looked at, and if the operator lived on-site.

Brian Haren replied he only knew of one (1) for sure.

Pete Frisina stated that he could have A-R property with a nice big colonial home on it, and wants to use that as his A-R Wedding/Event Facility. He said that he could have weddings in his colonial home and bedrooms upstairs and people could stay in there, but he has to live there under this code.

Brian Haren stated that there is a place just like that in Luthersville.

Chairman Graw asked what if they wanted to build a separate venue and will the A-R zoning district cover that.

Pete Frisina asked Sylvia Tulka where her property was.

Sylvia Tulka replied that it was off of Hampton Road.

Al Gilbert asked how many acres was the property.

Sylvia Tulka replied 10.

Pete Frisina stated that there was an issue with the amount of acreage for the wedding facility. He said that they have to have 15 acres to do wedding/event facility.

Sylvia Tulka replied that was okay. She said the bed and breakfast was the main thing.

Pete Frisina stated for now scratch the A-R wedding/event facility and tourist accommodations.

Sylvia Tulka stated that they had not bought the property yet.

Al Gilbert asked if they were going to live there.

Sylvia Tulka replied yes. She stated that they had not even thought of a wedding venue until someone said that there was a barn on the property.

Pete Frisina stated that there has been a consensus that we will look at our ordinance and try and take the code we have for tourist accommodations, which talks about bed and breakfast, and look at the zoning ordinance which talks about it in a totally different way. He said that they would try and figure out some way to allow bed and breakfast to be in A-R zoning district, and limit the acreage, and that is what we are going to work towards doing.

Chairman Graw asked if it would be a conditional use in A-R.

Pete Frisina replied yes.

Chairman Graw asked what the conditions would be.

Pete Frisina replied that we haven't figured that out yet.

Brian Haren stated just like the wedding venue we will have to look at parking, lightening, and perhaps signage.

Pete Frisina stated the sign ordinance would take care of signage. He said when we start to develop these sorts of things staff will come up with some suggestions and then bring it before Planning Commission. He said that the Planning Commission meets twice a month and sometimes it takes two (2) meetings or five (5) meetings until everybody is happy. He added that when we get to a point where everybody is happy we then go to a Public Hearing with the Planning Commission. He stated that once their recommendation is given it goes to the Board of Commissioners, and we don't know what's going to happen once it gets there. He said they can say we like it; we don't like it; or take it back and do some more work. He added that as of now he would start work on the conditional use aspect of it and we will meet back on the 18th and see what they think about it.

Ron Tietbohl asked if the process would take between three (3) to six (6) months.

Pete Frisina replied that he would hope we don't take six (6) months but three (3) months would

be the minimum. He said once we advertise there is like a six (6) week period of public hearings. He added the way there spaced you have to advertise a certain time before it; you have two (2) public hearings, and then again that second public hearing when we get to the Board of Commissioners will be the first time they have seen it. He stated that he will make a presentation to them and you guys will be there, and then we would go from there.

Sylvia Tulka asked how many bed and breakfast were there presently.

Pete Frisina replied that he was not aware of any.

Brian Haren replied none legally.

John Culbreth asked do they have an option to purchase the property at this time.

Sylvia Tulka said that they are really close to it.

Ron Tietbohl said within the next week to 10 days they should be on their way to what Mr. Frisina just said. He added that three (3) to six (6) months would okay for them.

Pete Frisina stated that they should be aware that the Board of Commissioners may say that they are not interested. He said that is just the way our process works; you never know and you can add to that point and the Board of Commissioners can say, thanks for all your work but we're not interested.

Ron Tietbohl asked about the chances of that happening or of this being approved.

Pete Frisina replied 50/50 chance.

Brian Haren suggested that he make contact with his elected representatives.

Sylvia Tulka asked how many are on the Board of Commissioners.

Pete Frisina replied five (5).

Al Gilbert stated that they may like the idea, but we may put something in the ordinance that they are not in love with it, and they may change the rules to where it is impossible for you to do it.

Pete Frisina stated that there is willingness on their part to work on this and to come up with something. He said that it was a good thing that they have 10 acres.

Ron Tietbohl said that right now we are at a big question mark. He asked if there was someone he could contact to check on the status of the ordinance.

Pete Frisina replied that they could contact him directly.

Chairman Graw asked if they were considering buying the current home or if they were going to build.

Sylvia Tulka replied that there is a current home on it and there are pictures online. She stated that it is set up for a bed and breakfast and it is beautiful.

Brian Haren asked how old the structure is.

Sylvia Tulka replied that the house was built in 1986. She said the current owners who have lived there for 11 years have completely renovated it. She added that they have put over \$170,000 into the house.

John Culbreth asked what the square footage was on the house.

Sylvia Tulka replied 4552 square feet.

John Culbreth asked how many bedrooms.

Sylvia Tulka replied four (4) bedrooms, three (3) baths and one (1) level with a basement underneath.

Ron Tietbohl stated that it could be five (5) bedrooms.

Pete Frisina stated that part of this is that you will have to go through this annually. He said that it has to be looked at by the health department who will set the limit on the number of occupancy based of the septic system. He added that we have to look at the ordinance in general and get it fixed up and move to a conditional use in A-R for bed and breakfast.

Brian Haren stated that conceptually no one in this room has a problem with it. He said we just need to work out the mechanics of permitted it. He added that once it's out of our hands it is in the hands of your elected officials.

Pete Frisina asked if they couldn't do a bed and breakfast, would they still purchase the property.

Sylvia Tulka replied yes they probably would. She said they would probably look into a store front for Sylvia's Cakes.

Pete Frisina said but not on this property.

Sylvia Tulka replied no.

Pete Frisina stated that Ms. Tulka mentioned possible opportunity with the movie industry.

Sylvia Tulka said that knowing that Pinewood Studios and Pinewood Forest are in the area and

having her daughter in the business; it may be a good opportunity.

Pete Frisina asked what the address was.

Sylvia Tulka replied 398 Hampton Road.

Al Gilbert stated that they would get good clientele during race weekends.

Ron Tietbohl stated that the racetrack and the movie studios should draw in customers. He said that the acreage and the lake are really set up for someone to come and visit and enjoy a three (3) – four (4) day vacation. He added that the racetrack and Pinewood Forest could draw a lot of people. He stated that they were kind of on the way to Florida and Savannah; a melting pot of places to branch out from where we are. He said that we are far enough out, and it's away from Atlanta, but not too far from the airport. He added that they would like for this opportunity here to carry them into retirement.

Pete Frisina how many guest room totaled would they have.

Sylvia Tulka replied three is their max.

Chairman Graw asked Pete Frisina if he talked to Mr. Davenport.

Pete Frisina replied yes. He said that Mr. Davenport thought it would be a good idea to look at the bed and breakfast part, but he wasn't so sure about the wedding facility. He added that we are not going to cross that road until we have to. He asked Mr. Haren to give him the names of some of the facilities he was looking at. He said that he wanted to see what they do and how they do it.

Pete Frisina gave an update on the last Board of Commissioners meeting.

Brian Haren made a motion to adjourn the meeting. Chairman Graw said the meeting was adjourned at 7:49 pm.

**PLANNING COMMISSION OF
FAYETTE COUNTY**

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ATTEST.





JIM GRAW, CHAIRMAN